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The Honorable Jim Trobaugh



SEPTIC SYSTEMS SUBCOMMITTEE OF THE ENVIRONMENTAL QUALITY SERVICE COUNCIL

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Authority: P.L. 248-1996 (SEA 138)

MEETING MINUTES¹

Meeting Date:	November 14, 2000
Meeting Time:	1:30 P.M.
Meeting Place:	State House, 200 W. Washington St., Room 233
Meeting City:	Indianapolis, Indiana
Meeting Number:	5

Members Present: Sen. Beverly Gard, Chairperson; Sen. Kent Adams; Sen. Glenn Howard; Rep. Richard Mangus; Rep. Dale Sturtz; Rep. David Wolkins; David Benshoof; Marvin Gobles; The Honorable Jim Trobaugh.

Members Absent: Sen. Vi Simpson; Rep. Ron Herrell; Randy Edgemon; Kerry Michael Manders; Arthur Smith, Jr.; Gary Reding.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Senator Gard, Chairperson of the Septic Systems Subcommittee of the Environmental Quality Service Council (Subcommittee), called the meeting to order at 1:35 PM.

The first person to testify was Les Zwirn, public health and environmental policy consultant. Mr. Zwirn stated the following concerning "Vision 2021," a report (Exhibit 1) summarizing Indiana's rural sewage system problem and possible solutions to the problem that would be implemented over a twenty year period:

- *In addressing the problem, the following basic questions must be asked:
 - *Does the problem call for a systematic, structural change or a piecemeal, incremental change?
 - *Does the potential return on investment make near term policy intervention by the Legislature worthwhile from a fiscal standpoint, a public health and environmental perspective, and a constituency interest perspective?
- *The principal constituency groups and system participants include the following:
 - *Homeowners in unincorporated areas.
 - *Small, unincorporated communities or subdivisions.
 - *Private firms and professionals.
 - *County governments.
 - *Service districts and system operators.
 - *State government.
- *System components include the following:
 - *Training and certification of sewage professionals.
 - *Homeowner and small community or subdivision infrastructure financing and incentives.
 - *State regulatory and technical assistance models.
 - *Service district enabling laws and incentives.
- *From a public health and water quality perspective, approximately 275,000 households in Indiana (some 600,000 citizens) are inadvertently and, in most cases, unknowingly threatening the public health, polluting water supplies, eroding home equity values, and inhibiting the economic vitality of their communities.
- *From a rural infrastructure financing and service perspective:
 - *Homeowners often cannot afford repairs or replacements, lack incentives to invest in repairs or replacements, lack knowledge of or access to basic maintenance services or qualified service professionals, incur no consequences or penalties for polluting water resources, and lack strong incentives to consider "community system" solutions.
 - *Small unincorporated areas have no local entity to turn to help solve sewage problems, are confused by a maze of regulations and financing mechanisms, and are ineligible for state loans or subsidies.
 - *Private installers, operations, and maintenance suppliers have no sanctioned training or certification program, lack a geographically concentrated customer base or market for "life cycle" maintenance contracts, and have no well organized industry group to help provide current information on alternative technologies.
- *From a county government perspective, county governments have no incentive to assume responsibility for addressing sewage problems in unincorporated areas, often have demoralized health department staffs unable to enforce existing sewage regulations or encourage post-installation monitoring or maintenance, and have no good connection between sewage and land use decisions.
- *From a state government perspective:
 - *Septic regulations deal only with pre-installation issues, avoid the operation and maintenance phase, utilize a "one size fits all" approach for all counties, and are revised too infrequently to keep up with changing technology.

- *Existing statutes create barriers to service districts diversifying into multi-purpose entities, provide no incentives to encourage consolidation of inefficient entities, avoid addressing the crucial issue of territorial authority consistent with economies of scale and skill, and provide no incentives for county level accountability for sewage services.
- *Goals should include the following:
 - *Protecting well water drinking supplies.
 - *Protecting lakes, rivers, and streams for recreation and wildlife use.
 - *Ensuring affordable, accessible, and reliable sewage services for rural residents comparable to services afforded urban residents.
 - *Encouraging responsible land use decision making and the preservation of Indiana's farmland.
 - *Protecting and strengthening the quality of life in rural communities.
 - *Moving toward a rural sewage system that is financially self-sustainable, cost-effective, and customer-responsive.
- *An interdependent, five part policy solution to the problem includes the following:
 - *State sanctioned training and certification program for inspectors, installers, and operations and maintenance professionals.
 - *Use of state income tax credits for eligible homeowners to encourage repair, replacement, and proper maintenance of systems.
 - *Incentives to encourage counties to address rural sewage needs through the use of the state revolving loan funds, Build Indiana Fund grants, and community focus fund grants.
 - *A dual track Indiana State Department of Health (ISDH) regulatory approach that accommodates the tradition of local autonomy and "home rule" in Indiana.
 - *Adjustments to the existing regional sewer district and conservancy district laws that include allowing districts to perform a wider range of sewage related functions and favoring the establishment of countywide or multi-county districts.

The next person to testify was Greg Lake from the Howard County Health Department appearing on behalf of the Indiana Onsite Wastewater Professionals Association (IOWPA). Mr. Lake stated the following concerning IOWPA:

- *IOWPA is a grassroots organization that is "just starting to get off the ground."
- *IOWPA believes that communication between all parties involved in wastewater system problems is necessary to solve those problems.
- *IOWPA recently conducted a very successful educational conference in Kokomo and has been asked to conduct educational conferences in other parts of the state.
- *IOWPA is conducting a multi-county pilot program to provide technical training in Cass, Howard, and Tipton Counties.
- *The results of an ISDH survey concerning septic system installer certification show that, of 78 counties responding so far, 29 have certification programs (including testing), 13 have registration programs (fee payment only, no testing), and 26 only maintain lists of installers (no testing or fee payments).
- *IOWPA believes Indiana should do the following:
 - *Address the need for comprehensive land use planning.
 - *Explore innovative alternative technologies.
 - *Adopt effective management programs.
 - *Promote accurate documentation and collection of data.
- *IOWPA has the following goals:
 - *Become an educational and training resource.
 - *Establish standardized maintenance and inspection programs for onsite

wastewater systems.

- *Help IOWPA members build successful businesses.

- *Inform system owners of the responsibilities of choosing to live or work beyond the reach of centralized sewers.

- *IOWPA has the following mission statement:

- *To educate, to promote a high standard of workmanship, and to encourage a code of ethics among their members who are committed to protecting the public health and environment of Indiana.

- *To provide the onsite wastewater industry in Indiana with a strong and unified voice that represents the common interests and concerns of its members statewide.

Senator Gard then distributed several proposed Subcommittee recommendations she had received to Subcommittee members (Exhibit 2). The Subcommittee and members of the public then discussed recommendations to forward to the full Environmental Quality Service Council (EQSC). The discussion included the following topics:

- *Septic management districts.

- *Grants for septic management and replacement.

- *Reducing project costs for sewer installation for small communities.

- *Possible adjustment to ISDH and Indiana Department of Environmental Management jurisdictions.

- *Alternative technologies.

- *Education.

- *Alternative regulation of package plants (including previous legislation proposed by the Indiana Utility Regulatory Commission).

- *Certification of installers and qualifications of other local health department employees.

- *Financial incentives.

- *Planning commission issues.

- *Researching newer technologies.

Senator Gard stated she would circulate a draft of Subcommittee recommendations to Subcommittee members before the November 22, 2000, EQSC meeting. She stated she would present the Subcommittee recommendations to the full EQSC at this meeting.

Senator Gard adjourned the meeting at 3:48 PM.